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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEVIN DAVIS,

Plaintiff,

vs.

OCEAN SPRAY CRANBERRIES, INC., *et al.*,

Defendants.

2:17-cv-02795-RFB-VCF

ORDER

11 Before the Court is Plaintiff's Motion to Extend Time to Serve Complaint Upon Defendant Bob
12 Ross. (ECF No. 14).

13 Plaintiff asserts that he is unable to serve Defendant Bob Ross. (ECF No. 14 at p. 2). Defendant
14 Ocean Spray Cranberries did not accept service for Ross because he is no longer an employee. Bob Ross
15 is a common name and Plaintiff has difficulty locating the correct Bob Ross. *Id.*

16 **Extension For Service**

17 Fed. R. Civ. P. 4(m) requires a defendant to be served within 90 days after the complaint is filed.
18 If "the plaintiff shows good cause for the failure [to serve a defendant within that time-frame], the court
19 must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

20 Plaintiff asserts that additional time is required to effect service, and asks this court to extend the
21 4(m) deadline an additional 90 days. (ECF No. 14). The Complaint was filed on November 6, 2017. The
22 last day to effectuate service on Ross is February 4, 2018. Fed. R. Civ. P. 4(m).

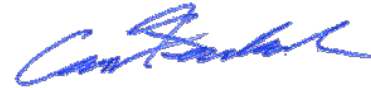
23 Under LR 7-2(d), [t]he failure of an opposing party to file points and authorities in response to any
24 motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to
25 the granting of the motion. Here, no opposition has been filed. It would seem that Ocean Spray
Cranberries, Inc. has consented to the granting of the instant motion.

1 Given that Plaintiff has demonstrated “good cause” for his failure to effectuate service, the
2 court will extend the 4(m) deadline, up to and including May 22, 2018. *See* Fed. R. Civ. P. 4(m).

3 Accordingly, and for good cause shown, IT IS HEREBY ORDERED that Plaintiff’s Motion to
4 Extend Time to Serve Complaint Upon Defendant Bob Ross (ECF No. 14) is GRANTED.

5 IT IS FURTHER ORDERED that the deadline to effect service of process is extended up to and
6 including May 22, 2018 for Bob Ross.

7 DATED this 21st day of February, 2018.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE